

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KEONTE CHRISAVIOUS CURTIS,

Defendant-Appellant.

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UNPUBLISHED

February 15, 2011

No. 295386

Jackson Circuit Court

LC No. 09-005694-FH

Before: CAVANAGH, P.J., and STEPHENS and RONAYNE KRAUSE, JJ.

PER CURIAM.

Defendant appeals by right his jury convictions of making a false report of a felony, MCL 750.411a(1)(b), and conspiracy to commit false report of a felony, MCL 750.157a. We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

Defendant's friend Kendra Francis rented a car with defendant's financial assistance. Francis was the only listed driver. After an overnight trip, she met with defendant and retrieved her own car, which defendant had been driving, and defendant took the rental car. While defendant was driving the car, accompanied by another individual, someone shot at the car and shattered the back window. Defendant and Francis admitted at trial that, although they provided correct details concerning where and how the damage occurred, they told the responding officer that Francis had been driving the car, with defendant as a passenger. They did so because they were concerned that Francis was the only driver insured under the rental agreement.

Defendant contends that the trial court erred when it bound defendant over on the charges. We review for an abuse of discretion the district court's decision whether to bind a defendant over for trial. *People v Herndon*, 246 Mich App 371, 393; 633 NW2d 376 (2001). However, the district court's determinations of law, such as whether a defendant's "conduct falls within the scope of a penal statute," are reviewed de novo. *People v Flick*, 487 Mich 1, 8-9; 790 NW2d 295 (2010). To properly bind a defendant over for trial there must be evidence that a felony was committed and probable cause to believe that defendant committed it. *People v Yost*, 468 Mich 122, 126; 659 N.W.2d 604 (2003). Errors or deficiencies in the bindover are harmless if sufficient evidence is presented at trial to convict defendant of the charge. *People v Dunham*, 220 Mich App 268, 276-277; 559 NW2d 360 (1996).

We review de novo whether sufficient evidence was presented at trial to support a conviction. *Herndon*, 246 Mich App at 415. We view the evidence in the light most favorable

to the prosecution to determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *Herndon*, 246 Mich App at 415. Satisfactory proof of the elements of the crime can be shown at trial by circumstantial evidence and the reasonable inferences arising therefrom. *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999). It is for the trier of fact to determine what inferences fairly can be drawn from the evidence and the weight to be accorded to those inferences. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748, amended 441 Mich 1202 (1992); *People v Hardiman*, 466 Mich 417, 428; 646 NW2d 158 (2002). All conflicts in the evidence must be resolved in favor of the prosecution. *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

MCL 750.411a(1) provides in relevant part that “a person who intentionally makes a false report of the commission of a crime, or intentionally causes a false report of the commission of a crime to be made, to a peace officer, . . . knowing the report is false,” is guilty of a crime. As noted by plaintiff, in *People v Chavis*, 468 Mich 84; 658 NW2d 469 (2003), our Supreme Court considered what constitutes “a false report of the commission of a crime” as that phrase is used in MCL 750.411a(1). *Id.* at 92.<sup>1</sup> Specifically, the Court held that MCL 750.411a(1) “is not limited to only those situations where no crime *has been committed*; it also applies where one reports false details about the crime.” *Id.* at 92-94 (emphasis in original).

In *Chavis*, the defendant had genuinely been carjacked, as he reported to the police, but he lied about where the carjacking occurred ““and some other miscellaneous details.”” *Chavis*, 468 Mich at 89-90 (quoting the trial court). Here, defendant also misrepresented the context of the crime, but in addition, he actually reported a crime that did not occur at all. Telling the police that Francis had been the driver of the car means that defendant reported an assault on Francis. See e.g., MCL 750.82 (felonious assault); MCL 750.84 (assault with intent to commit great bodily harm); MCL 750.83 (assault with intent to murder). Because Francis was not in the car at the time of the shot, and indeed not even in the area, the report was patently false. Under the circumstances, claiming that Francis was a victim of a crime when she was not falls well within the plain meaning of MCL 750.411a(1). Because the prosecution presented sufficient evidence to support defendant’s convictions, any error concerning the bindover is harmless.

Affirmed.

/s/ Mark J. Cavanagh  
/s/ Cynthia Diane Stephens  
/s/ Amy Ronayne Krause

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<sup>1</sup> MCL 750.411a(1) was amended in 2004 to its present form, after the release of the *Chavis* decision, to increase the scope of prohibited conduct. However, the prior version of the statute and the present version are substantively identical in prohibiting the intentional making of a false report of the commission of a crime to a peace officer. See *Chavis*, 468 Mich at 91.